



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, DECEMBER 2, 1998

7:00 P.M.

Morgan Hill Civic Center
Council Chambers
17555 Peak Avenue
Morgan Hill, California 95037

Mayor
Mayor Pro Tempore
Council Member
Council Member
Council Member
Council Member-Elect
Council Member-Elect

Dennis Kennedy
Cynthia J. Cook
Hedy L. Chang
J. Robert Foster
Bev Freeman
Greg Sellers
Steve Tate

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the counter in the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

ALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

OTHER BUSINESS:

1. **NOVEMBER 3, 1998 GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS**

Recommended Action: Adopt a Resolution of the City Council of the City of Morgan Hill Reciting the Facts of the General Municipal Election of November 3, 1998.

PRESENTATION OF PLAQUES

Council Member Bob Foster

Council Member Bev Freeman

(Mayor Kennedy)

OATHS OF OFFICE:

Mayor - Elect Dennis Kennedy

Council Member -Elect Steve Tate

Council Member -Elect Greg Sellers

(City Clerk Torrez)

RECEPTION

For Incoming and Outgoing Council Members

(Lobby)

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

2. **APPLICATION SD-98-17: COCHRANE-COYOTE ESTATES (APN 728-43-014 AND 728-44-016)**
Recommended Action: **Take no action**, thereby concurring with the Planning Commission's decision regarding approval of the subdivision map.
3. **FINAL MAP ACCEPTANCE FOR HEATHERWOOD (TRACT 9114)**
Recommended Action: 1) **Approve** the final map and improvement plans, 2) **authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City, and 3) **authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
4. **REIMBURSEMENT AGREEMENT WITH VHF CONSTRUCTION CO. (ROSE HAVEN - TRACT 8596) IN AN AMOUNT OF UP TO \$104,988.74**
Recommended Action: **Approve** the attached Subsequent Development Reimbursement Agreement and **authorize** the City Manager to execute the agreement on behalf of the City.
5. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 8879 (DEWITT - THE VILLAGE AT SPRINGHILL)**
Recommended Action: 1) **Adopt** the attached Resolution accepting the subdivision improvements for Tract 8879, commonly known as Dewitt - The Villages at Springhill and 2) **direct** the City Clerk to file a Notice of Completion with the County Recorder's office.
6. **AWARD OF CONTRACT FOR THE CONSTRUCTION OF HOLIDAY LAKE WATER MAIN PROJECT IN THE AMOUNT OF \$178,750**
Recommended Action: 1) **Approve** \$85,000 transfer within the Water Replacement Fund from project #607093 to project #610093 and 2) **award** contract to Monterey Peninsula Engineering for the construction of Holiday Lake Water Main Project in the amount of \$178,750.
7. **RESOLUTION SETTING SALARIES OF CITY CLERK AND CITY TREASURER**
Recommended Action: **Adopt** resolution setting the salaries of the elected City Clerk and the elected City Treasurer at \$200 per month.
8. **APPROVAL OF CHANGE ORDER FOR DIANA WELL III CONSTRUCTION PROJECT IN THE AMOUNT OF \$13,770**
Recommended Action: **Approve** change order in the amount of \$13,770 (which includes a 10% contingency) for the Diana Well III construction project for extended well development.
9. **ADOPT-A-PARK**
Recommended Action: **Authorize** City Manager to execute Adopt-a-Park Program.
10. **APPROVE AN AMENDMENT TO THE AGREEMENT FOR SERVICES IN THE AMOUNT OF \$25,000 WITH THE GAEBLER GROUP TO PROVIDE INTERIM CITY CLERK'S OFFICE MANAGEMENT AND ASSISTANCE**
Recommended Action: **Authorize** the City Manager to execute the attached amendment to the agreement with The Gaebler Group.
11. **APPROVAL OF SPECIAL MEETING MINUTES OF NOVEMBER 17, 1998**
12. **APPROVAL OF REGULAR MEETING MINUTES OF NOVEMBER 18, 1998**

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #13 and #14 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

LEGALLY NOTICED PUBLIC HEARINGS:

13. **RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY FIRE MARSHALL TO ABATE WEEDS**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to Adopt Resolution authorizing the Santa Clara County Fire Marshall to Abate Weeds.
14. **UP-98-11: TENNANT - RITE AID**
Recommended Action: Request staff presentation.
If the Council wishes to grant a hearing de novo,
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to Approve Mitigated Negative Declaration.
Action - Motion to Adopt Resolution upholding the Planning Commission decision to approve the use permit request.

OTHER BUSINESS:

15. **EXPANSION OF SOLID WASTE DIVERSION SERVICES**
Recommended Action: Adopt Resolution authorizing the City Manager to execute the Franchise Agreement and directing staff to promote recycling services.
16. **BUDGET AMENDMENT FOR SOLID WASTE MANAGEMENT FUND AND PURCHASE OF SOLID WASTE CONTAINERS FOR THE SUM OF \$475,000**
Recommended Action: 1) Adopt budget recommendations per Attachment A - additional revenues of \$225,000 and expenditures of \$225,000, 2) find and determine that there is only one source for the purchase of the required supply of recycling containers, 3) find and determine that competitive bids upon notice would not be likely to result in a lower price to the City from a responsible bidder for the purchase of the required supply of yard trimmings carts, and 4) authorize the City Manager to purchase recycling containers and yard trimmings carts without competitive bids for the sum of approximately \$475,000.
17. **A-FRAME SIGNS IN THE DOWNTOWN AREA**
Recommended Action: Council review and direction to staff.
18. **REVIEW OF CONCEPTUAL DESIGN STUDIES FOR TWO LARGE ACREAGE SITES FOR FLOOD RELIEF INCLUDING STORM WATER DETENTION/PARKS FACILITIES**
Recommended Action: Direct staff to work with City real property acquisition expert to explore possible costs of options on lands needed for both projects.
19. **GPA-98-05 & ZA-98-21: MEDICAL CENTER - SLACK**
Recommended Action: Authorize staff to proceed with the proposed General Plan Amendment and zone change.
20. **SIDEWALKS IN INDUSTRIAL ZONING DISTRICTS**
Recommended Action: Motion to approve policy requiring sidewalks in industrial zoning districts.
21. **AB 1600 IMPACT FEE REPORT FOR THE FISCAL YEAR 1997/98**
Recommended Action: 1) Make a finding that all AB 1600 Impact fees are expended or committed, 2) accept and file the Impact Fee Report.

22. **APPOINTMENT TO THE CITY'S FINANCE AND AUDIT COMMITTEE**
Recommended Action: Appointment to the City's Finance and Audit Committee.

ROLL CALL VOTE: The Roll Call Vote, Agenda Items #23 and #24 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)
Action -- **Adopt** Ordinance by roll call vote.

23. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1418, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving development agreement application DA-98-08: Malaguerra-Ansuini for application MP-98-03: Malaguerra-Ansuini (APN 727-35-011).

24. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1419, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving an amendment to the precise development plan for the Sunnybrook Hills Residential Planned Development, establishing minimum five-foot side yard setbacks for the 123 lot, 57 acre development on Easy Street and adjoining side streets northeasterly of the intersection of Sunshine Street and Santa Teresa Boulevard.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT TO: **Special Redevelopment Agency meeting. See separate agenda.**

FUTURE COUNCIL AGENDA ITEMS:

1. Appoint Mayor Pro Tempore
2. Direction on Policy Regarding City Council Meeting Minutes
3. Approve Revisions to Records Retention Schedule
4. Review and Approve CIP Report
5. Committee Appointments
6. Refinancing of Assessment Districts
7. Approve Vehicle Purchases

*NOTE: Reminder - Special City Council and City Commissions Workshop on Prevention of Workplace Harassment - December 15, 1998, 6:30 PM - 8:30 PM, City Council Chambers